



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION 8**

**999 18<sup>TH</sup> STREET- SUITE 300**

**DENVER, CO 80202-2466**

**Phone 800-227-8917**

**<http://www.epa.gov/region08>**

Ref: ENF-W

**MAY 16 2006**

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Teton County Commissioners  
c/o Larry Jorgenson, Chair  
P.O. Box 3594  
Jackson, WY 83001

Re: Notice of Safe Drinking Water Act  
Enforcement Action against Targhee Towne  
Water District  
PWS ID # WY5600787

Dear County Commissioners:

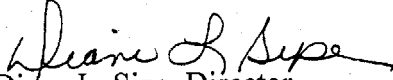
Pursuant to Section 1414(a)(2)(B) of the 1996 amendments to the Safe Drinking Water Act (SDWA), the Environmental Protection Agency (EPA) is required to notify an appropriate locally elected official of any action taken in a State that does not have primary enforcement authority for public water systems. The State of Wyoming does not have primary enforcement authority for public water systems under the SDWA.

An Amended Administrative Order (Order) is being issued under Section 1414 of the SDWA to Targhee Towne Water District, Targhee, Wyoming. This Amended Order acknowledges the transfer of ownership from Targhee Towne Water Company, Inc. to Targhee Towne Water District on January 5, 2005, with the recording of the Quit Claim Deed occurring on September 11, 2005. In addition, the amendment adds two violations for failure to monitor for total coliform bacteria. This Order requires that Targhee Towne Water District take measures to return to compliance with the SDWA and the National Primary Drinking Water Regulations.

Targhee Towne Water District is in violation of the National Primary Drinking Water Regulations (NPDWRs) at 40 C.F.R. §§ 141.21(a), 141.63(a)(2), 141.21(b)(5), 141.23(d), 141.201, 141.31(b), 141.21(g)(2), and 141.21(g)(1) for failure to monitor for total coliform bacteria; exceeding the total coliform bacteria maximum contaminant level; failure to collect a set of repeat samples after a total coliform positive result; failure to monitor nitrate; failure to notify the public of the violations; and failure to report violations to EPA.

A copy of the Order is enclosed for your information. The Order does not require any response or action by the County Commission. If you have any questions regarding this Order, please contact Judy Binegar-Wilson of my staff at (303)312-6606.

Sincerely,

  
Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosure





**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

**999 18<sup>TH</sup> STREET- SUITE 300  
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Ref: 8ENF-W

**MAY 16 2006**

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Targhee Towne Water District  
c/o Lee Simmons  
P.O. Box 1137  
Alta, WY 83414

Re: Amended Administrative Order  
Docket No. SDWA-08-2005-0047  
Targhee Towne Water District  
PWS ID # WY5600787

Dear Mr. Simmons:

Enclosed you will find an Amended Administrative Order (Order), which the Environmental Protection Agency (EPA) has issued under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f *et seq.*, and its implementing regulations. This Order amends the August 10, 2005 Order issued by EPA. Among other things, the Amendment to the Administrative Order finds that Targhee Towne Water District is a supplier of water as defined by the SDWA and that it has violated the National Primary Drinking Water Regulations (NPDWRs) at 40 C.F.R. §§ 141.21(a), 141.63(a)(2), 141.21(b)(5), 141.23(d), 141.201, 141.31(b), 141.21(g)(2), and 141.21(g)(1) for failure to monitor for total coliform bacteria; exceeding the total coliform bacteria maximum contaminant level; failure to collect a set of repeat samples after a total coliform positive result; failure to monitor nitrate; failure to notify the public of the violations; and failure to report violations to EPA.

Per your voice mail of March 11, 2006, EPA is amending the Administrative Order, Docket Number SDWA-08-2005-0047, to acknowledge the transfer of ownership from Targhee Towne Water Company, Inc. to Targhee Towne Water District on January 1, 2005, with the recording of the Quit Claim Deed on September 11, 2005. In addition, this amendment adds the July 2005 and January 2006 violations for failure to monitor for total coliform bacteria.



*Printed on Recycled Paper*

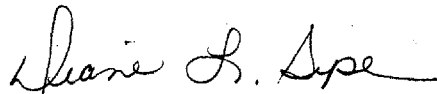
If Targhee Towne Water District complies with the enclosed Order for a period of at least twelve months, EPA may choose to close the Order. Violating the enclosed Order may lead to (1) a penalty of up to \$32,500 per day of violation of the Order, (2) a separate such penalty for violating the regulations themselves, and/or (3) a court injunction ordering you to comply.

Also enclosed is a Small Business Regulatory Enforcement and Fairness Act (SBREFA) Section 22 information sheet. The SBREFA sheet notifies small businesses of their right to comment on regulatory enforcement activities, and provides information on compliance assistance. Dissemination of this information sheet does not constitute an admission or determination by EPA that your business, organization or governmental jurisdiction is a small entity as defined by SBREFA.

Please note that the effective date of the enclosed Order is the date of issuance. Within the next 10 days, please provide EPA with any new information that you believe the Agency is not aware of relating to the alleged violations in the Order. The information should be sent to Judy Binegar-Wilson at the address on the letterhead and include the mailcode 8ENF-W, or call (800) 227-8917, extension 6606 or (303) 312-6606. If you wish to have in informal conference with EPA, you may also call or write Ms. Binegar-Wilson. If you are represented by an attorney, please feel free to ask your attorney to call Michelle Marcu, Enforcement Attorney, at the above 800 number, extension 6921, or at (303) 312-6921.

We urge your prompt attention to this matter.

Sincerely,



Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosures  
Order  
SBREFA

cc: WY DEQ (via e-mail)  
WY DOH(via e-mail)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2006 MAY 16 AM 10:18

IN THE MATTER OF

Targhee Towne Water District  
Targhee, Wyoming

Respondent

Proceedings under Section 1414(g)  
of the Safe Drinking Water Act,  
42 U.S.C. § 300g-3(g)

FILED  
EPA REGION VII  
HEARING CLERK

AMENDED  
ADMINISTRATIVE ORDER

Docket No. SDWA-08-2005-0047

The following Findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency ("EPA") by Section 1414(g) of the Safe Drinking Water Act ("the Act"), 42 U.S.C. § 300g-3(g), and its implementing regulations, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

FINDINGS

1. Targhee Towne Water District (Respondent) is a municipality under the laws of the State of Wyoming as of November 1983 and therefore a "person" within the meaning of 40 C.F.R. § 141.2.
2. Respondent owns and/or operates a system, the Targhee Towne Water District (the System), located in Targhee, Wyoming, for the provision to the public of piped water for human consumption.
3. The System has at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents and is therefore a "public water

system" within the meaning of Section 1401(4) of the Act, 42 U.S.C. § 300f(4),

and a "community water system" within the meaning of 40 C.F.R. § 141.2.

4. Respondent owns and/or operates a public water system and is therefore a "supplier of water" within the meaning of Section 1401(5) of the Act, 42 U.S.C. § 300f(5), and 40 C.F.R. § 141.2. Respondent is therefore subject to the requirements of Part B of the Act, 42 U.S.C. § 300g et seq., and its implementing regulations, 40 C.F.R. Part 141.
5. According to a December 4, 2003 sanitary survey by an agent for EPA, Respondent operates a system that is supplied by ground water, located in Targhee, Wyoming, and serves approximately 47 - 57 persons per day through 47 service connections.

#### FINDINGS OF VIOLATION

##### I.

1. 40 C.F.R. § 141.21(a) requires any community water system to monitor the water at least once per month that the system serves water to the public to determine compliance with the Maximum Contaminant Level (MCL) for total coliform bacteria as stated in 40 C.F.R. § 141.63.
2. Respondent failed to monitor the water for contamination by total coliform bacteria during the months of April 2005 and January 2006, in violation of 40 C.F.R. § 141.21(a).

II.

1. 40 C.F.R. § 141.21 requires community water systems to monitor the water at least once per month to determine compliance with the MCL for total coliform bacteria as stated in 40 C.F.R. § 141.63.
2. 40 C.F.R. § 141.63(a) (2) imposes and defines the MCL for total coliform bacteria, applicable to public water systems collecting fewer than 40 samples per month, as no more than one sample collected during the month may be positive for total coliform bacteria.
3. Monitoring results submitted by Respondent for the public water system during December 2000, November 2004, and January 2005 exceeded the MCL for total coliform bacteria, in violation of 40 C.F.R. § 141.63(a)(2).

III.

1. 40 C.F.R. § 141.21(b)(5) requires any public water system that collects fewer than 5 routine samples per month and has one or more total coliform positive samples to collect at least 5 routine samples during the next month the system provides water to the public.
2. Respondent failed to collect at least 5 routine samples in January 2001 and July 2005 after a total coliform positive sample in the preceding month, in violation of 40 C.F.R. § 141.21(b) (5).

IV.

1. 40 C.F.R. § 141.23(d) requires public water systems to monitor annually for nitrate to determine compliance with the nitrate MCL as stated in 40 C.F.R. § 141.62.
2. Respondent last monitored for nitrate in October 2004 and December 2005 but failed to monitor in 2003, in violation of 40 C.F.R. § 141.23(d).

V.

1. 40 C.F.R. § 141.201 requires owners and/or operators of public water systems to notify the public of any national primary drinking water regulation ("NPDWR") violations, including violations of the maximum contaminant level ("MCL"), maximum residual disinfection level ("MRDL"), treatment technique ("TT"), monitoring requirements, and testing procedures in 40 C.F.R. Part 141.
2. Respondent has not provided public notice of the violations detailed in the preceding Sections I and III in violation of 40 C.F.R. § 141.201.

VI.

1. 40 C.F.R. § 141.31(b) requires public water systems to report any failure to comply with any National Primary Drinking Water Regulation (40 C.F.R. Part 141) to EPA within 48 hours.
2. Respondent failed to report to EPA instances of noncompliance detailed in Sections IV and V, in violation of 40 C.F.R. § 141.31(b).



VII.

1. 40 C.F.R. § 141.21(g)(2) requires public water systems that have failed to comply with a coliform monitoring requirement under 40 C.F.R. § 141.21 to report the violation to EPA within ten days after the system discovers the violation.
2. Respondent failed to report to EPA instances of noncompliance detailed in Sections I and III, in violation of 40 C.F.R. § 141.21(g) (2).

VIII

1. 40 C.F.R. § 141.21(g)(1) requires a public water system that has exceeded the MCL for total coliform in 40 C.F.R. § 141.63 to report the violation to EPA no later than the end of the next business day after it learns of the violation.
2. Respondent failed to report to EPA the total coliform MCL violations detailed in Section II, in violation of 40 C.F.R. § 141.21(g)(1).

ORDER

Based on the foregoing Findings, and pursuant to Section 1414(g) of the Act, IT IS

ORDERED:

1. Upon the effective date of this Order, Respondent shall comply with the requirement of 40 C.F.R. § 141.21(a) to perform monthly bacteriological monitoring. Respondent shall comply with the MCLs as stated in 40 C.F.R. § 141.63. Respondent shall report analytical results to EPA within the first 10 days of the end of the monitoring period, as required by 40 C.F.R. § 141.31(a).

2. Upon the effective date of this Order, Respondent shall comply with all sampling requirements specified in 40 C.F.R. § 141.21(b)(5). If Respondent's water system has one or more total coliform positive samples in a month, Respondent shall collect at least 5 routine samples during the next month the system provides water to the public. Respondent shall report analytical results to EPA within the first 10 days following the end of the monitoring period, as required by 40 C.F.R. § 141.31(a).
3. If the System has a total coliform MCL violation within the next 12 months, Respondent shall submit to EPA, within 30 days of the MCL violation, detailed plans for bringing Respondent's public water system into compliance with the MCL for coliform bacteria at 40 C.F.R. § 141.63. The plans shall include proposed system modifications, estimated costs of modifications, and a schedule for construction of the project and compliance with the MCL for coliform bacteria. The proposed schedule shall include specific milestone dates, a final compliance date (that shall be within 180 days from the first MCL violation after this Order) and shall be submitted to EPA for approval. The plans must be approved by EPA and the State before construction can commence.
4. The schedule for construction and completion of modifications will be incorporated into this Order upon written approval by EPA.

5. If plans are required as stated in paragraph 3 above, Respondent shall submit to EPA monthly reports on the progress made toward bringing Respondent's system into compliance with the coliform bacteria MCL at 40 C.F.R. § 141.63.
6. Prior to December 31, 2006, and per the regulations thereafter, Respondent shall comply with the nitrate monitoring requirements as stated in 40 C.F.R. § 141.23(d) to determine compliance with the nitrate MCL appearing at 40 C.F.R. § 141.62(b). Respondent shall report analytical results to EPA within the first 10 days following the month in which sample results are received, as required by 40 C.F.R. § 141.31(a).
7. Within 30 days from the effective date of this Order, Respondent must provide public notice of the violation(s) specified under Sections I and III of the Findings of Violation section in this Order to return to compliance with 40 C.F.R §§ 141.201, 141.204 and 141.205. This notice shall be given by (1) mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the System; AND (2) any other method reasonably calculated to reach other persons served by the system, if they would not normally be reached by the notice, such as publication in a local newspaper; delivery of multiple copies for distribution by customers that provide their drinking water to others; posting in public places or on the Internet; or delivery to community organizations. The System must repeat the notice annually for as long as the violation, variance, exemption, or other situation persists. If the public notice is

posted, the notice must remain in place for as long as the violation, variance, exemption, or other situation persists, but in no case less than seven days. Upon the effective date of this Order, Respondent shall comply with the public notification requirements at 40 C.F.R. § 141.201 et seq. following any future NPDWR violation. Respondent shall submit a copy of the public notice to EPA within 10 days of completion of the public notice, as required by 40 C.F.R. § 141.31(d).

8. Except where different reporting periods are specified below, upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.31(b) by reporting any failure to comply with any National Primary Drinking Water Regulation (40 C.F.R. Part 141) to EPA within 48 hours.
9. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.21(g)(2) by reporting any failure to comply with coliform monitoring requirements under 40 C.F.R. § 141.21 to EPA within ten days after the system discovers the violation.
10. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.21(g)(1) by reporting any total coliform MCL violation under 40 C.F.R. § 141.63 to EPA no later than the end of the next business day after Respondent learns of the violation.

11. Reporting requirements specified in this Order shall be provided by certified mail to:

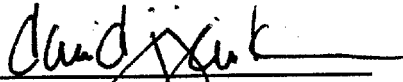
Judith Binegar-Wilson  
U. S. EPA Region 8 (8ENF-W)  
999 18th Street, Suite 200  
Denver, Colorado 80202-2466

#### GENERAL PROVISIONS

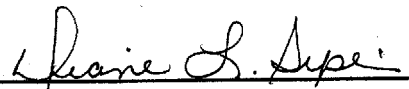
1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1 et seq., or the Safe Drinking Water Act, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Act.
2. Violation of any term of this Order may subject the Respondent to an administrative civil penalty of up to \$27,500, under Section 1414(g)(3)(B) of the Act, 42 U.S.C. § 300g-3(g)(3)(B), or a civil penalty of not more than \$32,500 per day of violation, assessed by an appropriate U.S. district court under Section 1414(g)(3)(C) of the Act, 42 U.S.C. § 300g-3(g)(3)(C).
3. Violation of any requirement of the SDWA or its implementing regulations may subject Respondent to a civil penalty of not more than \$32,500 per day of violation, assessed by an appropriate U.S. district court under Section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).

4. The effective date of this Order shall be the date of issuance of this Order.

Issued this 16<sup>th</sup> day of may, 2006.



Michael T. Risner, Director  
David J. Janik, Supervisory Attorney  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice



Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice



*Office of Enforcement and Compliance Assurance*  
**INFORMATION SHEET**

## U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance and tools to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

### Hotlines, Helplines and Clearinghouses

EPA sponsors approximately 89 free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements.

**The National Environmental Compliance Assistance Clearinghouse** provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers:  
[www.epa.gov/clearinghouse](http://www.epa.gov/clearinghouse)

**Pollution Prevention Clearinghouse**  
[www.epa.gov/opptintr/library/ppicindex.htm](http://www.epa.gov/opptintr/library/ppicindex.htm)

**EPA's Small Business Ombudsman Hotline** provides regulatory and technical assistance information.  
(800) 368-5888

**Emergency Planning and Community Right-To-Know Act**  
(800) 424-9346

**National Response Center** (to report oil and hazardous substance spills)  
(800) 424-8802

**Toxics Substances and Asbestos Information**  
(202) 554-1404

**Safe Drinking Water**  
(800) 426-4791

**Stratospheric Ozone Refrigerants Information**  
(800) 296-1996

**Clean Air Technology Center**  
(919) 541-0800

**Wetlands Helpline**  
(800) 832-7828

### EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

**EPA's Home Page**  
[www.epa.gov](http://www.epa.gov)

**Small Business Assistance Program**  
[www.epa.gov/ttn/sbap](http://www.epa.gov/ttn/sbap)

**Compliance Assistance Home Page**  
[www.epa.gov/compliance/assistance](http://www.epa.gov/compliance/assistance)

**Office of Enforcement and Compliance Assurance**  
[www.epa.gov/compliance](http://www.epa.gov/compliance)

**Small Business Ombudsman**  
[www.epa.gov/sbo](http://www.epa.gov/sbo)

**Innovative Programs for Environmental Performance**  
[www.epa.gov/partners](http://www.epa.gov/partners)

